

W5YI

National Volunteer Examiner Coordinator REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

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ACCESS TO 17 METER BAND GRANTED!

The FCC has agreed to permit General, Advanced and Amateur Extra Class amateur radio operators early access to the 17 meter (18.068-18.168 MHz.) shortwave ham band.

In response to a request from the American Radio Relay League, Inc., the Commission authorized amateur service stations to begin using the band at 0001 UTC on January 31, 1989, on a secondary basis.

Such early access is premised upon amateur stations not interfering with Government fixed service operations. The FCC discussed ARRL's request for early amateur use of the 17 meter band with the *National Telecommunications and Information Administration (NTIA)*. NTIA advised that "the Department of Defense (DOD) is still utilizing major portions of the band and will continue to do so until July 1, 1989." Amateur transmissions must be immediately terminated if interference is caused.

It didn't take long for merry DXers to spring into action! The band was active almost immediately once W1AW transmitted their Bulletin NR. 8. The band becomes "Amateur Exclusive" on a primary basis in July. 17-meter contacts will be honored for DXCC purposes - as does 24 MHz QSO's. (Only 30 meter/10 MHz contacts do not qualify for DXCC credit.)

Telegraphy emission A1A is authorized for the entire 17-meter band. A 42 kHz subband at 18.068-18.110 MHz has been provided for digital

emission type F1B for direct-printing, telemetry, telecommand and computer communications. A 58 kHz subband at 18.110-18.168 MHz has been provided for analog emission types, such as facsimile, television and telephony operation. The normal power limit of 1,500 watts PEP applies.

BACKGROUND:

The FCC issued a *Notice of Proposed Rule Making* on September 14, 1988, aimed at authorizing amateur station transmissions in the 17-meter band. The 100 kHz wide band is one of three new HF bands allocated to the amateur service by the 1979 *World Administrative Radio Conference*. The band could not be made available for amateur use for a ten year period, however, pending reassignment of existing Government point-to-point stations. July 1, 1989, was set as the date that the band would become available.

The Commission proposed to follow the pattern of the amateur service rules presently in effect in the seven other high frequency (HF) bands, i.e. operating privileges based on the class of operator license, separation of analog and digital emission types and (except for the 30 meter band) maximum transmitter power.

The ARRL filed a request for temporary use of the 17 meter band on a secondary, non-interference basis about two weeks after the Commission released the NPRM. The League pointed out that "...amateur stations in more than 60 countries were

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already transmitting in the 17 meter band."

ACTION BY THE COMMISSION ...AND WHY

The FCC said their approach was consistent with their previous handling of the new 12 and 30 meter WARC bands. "We felt that the potential for interference in the 17 meter band would be minimized if we require the skills associated with the General Class or higher operator license."

"Not all amateurs agreed in their formal comments. Interestingly, **William R. Gardner, W8WG**, (Extra Class) thought only Extra Class operators should have access to the 18 MHz band while **Shannon Cisco, WB4AZT**, (Technician) argued that Technician Class operator licensees who had passed the old 50 question Element 3 should obtain 17-meter privileges. The ARRL commented that Novices and Technicians should not receive additional HF privileges since they had recently obtained enhanced ten meter HF privileges. The FCC agreed, ...partially because of the band's small size.

Some commenters asked for a reduced (200 to 500 watt) power limitation "because the band can accommodate only a very few stations transmitting with full power." The smaller 30 meter (10.100 - 10.150 MHz) band currently has a 200 watt power limitation, but this band continues to be shared with the fixed service.

The ARRL reminded that Commission that the rules require that no more power should be used than necessary to engage in the desired communication. "If 200 to 500 watts is sufficient then that is the power that should be used." The League stated "the maximum transmitter power should be the same for the 17 meter band as for the other amateur service bands" and unlike the 30 meter band "...after July 1, 1989, there will no longer be any fixed service stations to protect."

In adopting two divided analog and digital subbands, the FCC said "...separate segments facilitate the transmission of inharmonious emissions within a given band. Without such subbands, narrowband communications would be adversely affected. The purpose of the subbands is to accommodate the amateur community which is composed of persons with many diverse interests. Further, the band plan is consistent with the recommended worldwide band plan for the 17 meter band." Also included were the emissions H3E, J3E and R3E.

"Their omission in our proposal was an oversight," the FCC said.

Section §97.61 - Authorized Emissions now reads:

Frequency	Emissions
Band (kHz):	Authorized:
18068-18110	A1A, F1B
18110-18168	A1A, A3E, F3E, G3E, A3C, F3C, A3F, F3F, H3E, J3E, R3E.

Section §97.7(c), (d) and (e) authorizes the band to General, Advanced and Extra Class amateur licensees in all ITU regions under control of the FCC. Section §97.415 adds the 17 meter band to the list of frequencies available for Amateur-Satellite Service use.

(Action by FCC Report & Order released Jan. 31, 1989.)

FCC CLARIFIES IDENTIFICATION RULES

The Commission has clarified its rule concerning identification procedures for an amateur station operating under a reciprocal permit.

On May 24, 1988, the FCC amended its rules to require that amateur stations operated by aliens under reciprocal permits, transmit the United States letter-numeral designating the station location first, followed by the call sign issued by the alien's country.

David B. Popkin, W2CC, requested clarification of the wording and suggested that the phrase "preceding by the appropriate letter-numeral designating the station location," be expanded to read: "preceded by the appropriate United States letter-numeral amateur call sign prefix designating the station location." Popkin asked that the rule specifically state that the English language is to be used when station identification is made. In addition, Popkin suggested that since most amateur operators using radiotelephony would use the word "slant" for the radiotelegraph slant mark, that word should be listed in the rule as another option to the words "stroke" or "slash."

The Commission agreed with Popkin's suggestions, with modifications. First, rather than limit the verbalization of the slant mark "/" to "stroke" or "slash" and adding the word "slant", the Commission will permit the use of any suitable word which denotes that punctuation symbol during telephony. With respect to identifying in English, the Commission's rules already require the use of the

WOULD YOU LIKE TO BECOME A VOLUNTEER EXAMINER?

"I am a currently licensed Extra Class amateur radio operator and
I would like to be a Volunteer Examiner. I have never had a
operator license revoked or suspended. I do not own a significant

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English language when station identification is made in the voice mode. However, to insure that there is no misunderstanding, the Commission has included a reference to the basic station identification requirement of Section §97.84 of the rules.

The Commission pointed out, however, that these amendments in no way change the requirements of the current rule, but merely clarifies its intended meaning consistent with the *International Amateur Radio Union's (IARU)* recommended standard.

(FCC Action by Memorandum Opinion & Order 2/1/89)

AMATEUR EXAMS FOR SENIOR CITIZENS

The Commission has upheld an Order by the Chief, Private Radio Bureau, denying a request by **Shannon Cisco, WB4AZT**, of Suffolk, Virginia, to change the Amateur operator license examination requirements for senior citizens.

Cisco sought to reverse a long-standing Commission policy regarding the technical and operational qualifications that applicants must meet in order to obtain an amateur operator license.

Specifically, Cisco (age 66) requested that the Commission amend its rules to automatically upgrade by one operator class, amateur service licensees who are at least 65 years of age.

Cisco (who holds a long-term Technician class operator license) requested that senior citizens holding amateur operator licenses for 20 years or more be upgraded, without taking the required examinations, from technician class to general class; general class to advanced class; and advanced class to amateur extra class.

Upholding the Bureau's action, the Commission found no evidence that the action of the Bureau conflicted with any statute, regulation, case precedent or established policy. In addition, it found no showing that the Bureau's action involved a law or policy not previously resolved by the Commission.

Cisco's request for review of the Bureau's action only reiterated his recent arguments that senior citizens, like himself, should be allowed to upgrade their amateur operator licenses without taking the required examinations, and thus does not warrant review.

(FCC Action by Memorandum Opinion & Order 2/1/89)

MODES-OF-THE-FUTURE ...AND NO-CODE

In formal action, the TAPR Board has voted to support an amateur initiated proposal to the FCC which would provide for a no-code license class. TAPR is the non-profit *Tucson Amateur Packet Radio Corporation*, the nation's largest amateur packet organization. TAPR is governed by a 15 member Board of Directors, each serving for 3 years.

"We recognize the controversial nature of the issue," said TAPR president **Andy Freeborn, NOCCZ** of Colorado Springs, CO. in a letter to all ARRL Directors. "We are aware of the potential divisiveness within our community which this issue can bring about."

"We feel, however, that the adoption of a no-code license class is so critical to the future of amateur radio that these risks must be taken. We also feel that the leadership of the ARRL in such a proposal will be the most effective means by which divisiveness and controversy can be minimized."

"Our best efforts are going to be put forth to influence the amateur community at large to support, through the ARRL, a no-code initiative. We expect to gain support from amateur technical groups ...as well as local and regional amateur groups. We hope that by approximately mid-summer we will have been able to generate support for no-code to the extent that the *ARRL Board of Directors* will favor the action."

"In the interim, we are going ahead with the preparation of a petition to the FCC containing a no-code proposal. I can candidly tell you that it is our hope that the ARRL will be in a position by mid-summer to relieve us of this independent action and take over the leadership of the initiative. Failing in this, we shall proceed."

AMSAT ADVOCATES NO-CODE OPERATION

"In a letter to ARRL president **Larry Price, W4RA**, Amateur Satellite Corporation president, **Doug Loughmiller, K05I** of Paris, Texas, writes, "AMSAT supports the use of Morse code for communications. OSCAR satellites of all nations use Morse code for at least some of the telemetry. While most amateur satellite communication is via SSB, we encourage CW use because it requires only 10% of the spectrum needed for SSB contacts."

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"We are going ahead with our careful study of the *Phase IV* geosynchronous satellite. We are also now constructing, with generous help from the League, a new type of satellite we call *Microsat*. This is primarily a packet radio satellite to operate in the VHF-UHF bands.

"One reason **Jan King, W3GEY**, first proposed Phase IV was the preservation of spectrum. The *AMSAT Board of Directors* believe that commercial interests view the VHF and higher holdings of the *Amateur Radio Service* as temporary storage for their future use. Radio amateurs must do something to make good use of these tremendously valuable allocations or they will go the way of 220-222 MHz."

"During the Mobile WARC attended by Jan, Land Mobile Services told attending representatives they wished to convert the spectrum 1.5-3.0 Ghz to primary land mobile with no secondary allocations. This is totally unacceptable to the future growth of the *Amateur Satellite Service* ...and completely incompatible with development trends in packet radio. AMSAT is planning future satellites with higher data rates in the L and S bands of the *Amateur Satellite Service* to be used in a store-and-forward system to take some of the burden off 20 meter HF for moving cross-country traffic."

"We believe that our goals can be helped, and our bylaws to encourage use of the higher frequency bands and promote education in the space sciences supported, by a code-free license which allows access to Amateur space communications by additional technically-qualified individuals."

"The generally envisioned requirement for such a license is the Technician level 3A ...with 25 additional questions covering satellite, digital, and microwave communications. Successful completion of this test would grant the licensee full Amateur privileges in the Amateur frequencies above 220 MHz., including the satellite subbands for access to Modes B, L and S."

VALUE OF THE 900 MHZ HAM BAND

Did you see the recent write-up in the *Wall Street Journal* entitled "**Radio Spectrum Bids are Proposed by U.S. as Revenue Source**"? It gives us an idea just how much our (basically unused) 902-928 MHz band is worth since the virgin spectrum they talk about is adjacent. To quote from

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the January 10th WSJ article:

"Using a new approach to an old proposal, the Reagan administration figures the government could fetch \$2.3 billion in fiscal 1990 and \$1.1 billion the following year by putting unused portions of the radio spectrum up for competitive bidding. ...The plan designates six megahertz, and calls for the Federal Communications Commission to end assigning frequencies through costly lotteries or lengthy competitive hearings."

Assuming 10 kHz spacing, a single channel is worth approximately \$5.5 million. (\$3.3 billion divided by 600 channels.) The 902-928 MHz ham band is 26 megahertz wide and theoretically could support 2,600 channels spaced every 10 kHz. At \$5.5 million each, that's a whopping \$14.3 billion!

Do you have any idea how much money that is? If you threw a \$100.00 bill away every ten seconds - every waking hour (18 hours a day) for a life time (70 years) that would be about equal to the value of the 900 MHz ham band! *And we got it for nothing.* The problem will be hanging onto it since it is an internationally shared band.

"The new evaluation of revenues is based on a cash-flow analysis that takes into account actual sales of cellular properties, such as Metromedia, Inc's \$1.2 billion sale of most of its cellular business to Southwestern Bell two years ago," says the *Journal* story.

The American Petroleum Institute has recently petitioned the FCC for access to 900 MHz specialized mobile radio (SMR) frequencies for "fixed multiple address and point-to-point microwave systems." The frequencies API seeks are from an 896-901/935-940 MHz allocation to the Private Land Mobile Services. How long will it be before the commercial interests will be petitioning for 902-928 MHz?

UPS' WHITE HOUSE CONNECTIONS

When lobbying the government to reallocate 220 MHz to your client, it helps to travel in the right circles. Working hard at the FCC on behalf of *United Parcel Service* is the Washington law firm of *Wiley, Rein and Fielding*. Firm member Jan Baran

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is general counsel to the *Republic National Committee*. Baran and his partner Fred Fielding are on President Bush's Ethics Commission. Robert Pettit, head of the President's FCC transition team, is a member of the firm. Partner Richard Wiley used to be the FCC Chairman. His daughter Pam has just started work as the assistant to Mrs. Dan Quayle.

NEW NOVICE/TECH QUESTION POOLS

The VEC Question Pool Committee (QPC) has released the new Element 2 (Novice) and Element 3A (Technician) to all Volunteer Examiner Coordinators (VEC's) and license preparation publishers. Both pools **must** be used in new exams effective **November 1, 1989**. (The current Element 2 and 3A question pools will be used until then.)

We are in the process of typesetting these two new pools and anticipate that they will be available for purchase on/about March 1, 1989. Cost is \$2.00 per pool (\$4.00 for both of the new Novice and Technician questions/multiple choices and answers) We will also include an updated copy of our booklet, **"How to Administer Novice Examinations in the Amateur Radio Service"** at no cost.

The new question pools follow the same format as the previous pools, but be aware that there are about **20% more questions** in the new question sets. (No more questions will be asked on examinations, however.) Here is a comparison between the new pools taking effect 11/1/89 ...and the current (old) Novice and Technician questions.

The QPC is now starting to review the syllabus on the Element 3B/General and 4A/Advanced question pools. (New suggested questions will be solicited for 3B and 4A on October 1, 1989.)

Element 2	NEW POOL		OLD POOL	
	# of	In	# of	In
Subelement:	Q's	Exam	Q's	Exam
A - Rules & Reg.	114	10	95	9
B - Operating Proced.	48	2	34	2
C - Radio Propagation	18	1	17	2
D - Amateur Practice	45	4	42	4
E - Electrical Principles	44	4	33	3
F - Circuit Components	21	2	10	2
G - Practical Circuits	20	2	17	2
H - Signals & Emissions	23	2	26	2
I - Antennas & Feedlines	39	3	28	3
	372	30	302	30

Increase in Questions: 23.2%

El. 3A, Technician	NEW POOL		OLD POOL	
Subelement:	Q's	Exam	Q's	Exam
A - Rules & Reg.	64	5	58	5
B - Operating Proced.	30	3	38	3
C - Radio Propagation	30	3	30	3
D - Amateur Practice	44	4	41	4
E - Electrical Principles	34	2	35	2
F - Circuit Components	37	2	18	2
G - Practical Circuits	17	1	11	1
H - Signals & Emissions	28	2	21	2
I - Antennas & Feedlines	42	3	36	3
13.2% More Questions	326	25	288	25

AMATEUR RADIO CALL SIGNS

...issued as of the first of February 1989.

Radio District	Gp."A"	Gp."B"	Gp."C"	Gp."D"
	Extra	Advan	Tech/Gen.	Novice
0	WR0E	KF0AS	N0KDL	KB0DXQ
1	NV1L	KC1NN	N1GGY	KA1TFB
2	WN2I	KE2LI	N2IYQ	KB2HDR
3	NT3O	KD3LH	N3GVC	KA3UDC
4 (*)	AB4MU	KM4NM	N4UWY	KC4IUS
5 (*)	AA4JZ	KG5RI	N5NVT	KB5IKW
6 (*)	AA6MO	KJ6QQ	N6UHQ	KC6BTW
7	WX7A	KF7RD	N7MFY	KB7GTC
8	WO8H	KE8WL	N8KIA	KB8GKZ
9	WF9L	KE9OM	N9IDA	KB9CBH
N. Mariana Is.	AH0H	AH0AE	KH0AM	WH0AAI
Guam	KH2K	AH2CE	KH2DN	WH2ALX
Johnston Is.	AH3B	AH3AC	KH3AB	WH3AAC
Midway Island		AH4AA	KH4AD	WH4AAF
Palmyra/Jarvis	AH5A			
Hawaii	(**)	AH6JO	NH6SL	WH6CBV
Kure Island			KH7AA	
Amer. Samoa	AH8C	AH8AD	KH8AG	WH8AAX
Wake W.P.(+)	AH9A	AH9AD	KH9AD	WH9AAH
Alaska	(**)	AL7KT	NL7QK	WL7BTQ
Virgin Islands	NP2E	KP2BN	NP2CU	WP2AGN
Puerto Rico	(**)	KP4PV	WP4TO	WP4IHC

(+ = Wake Wilkes Peale - Note: **new AH9 prefix**)

NOTE: * = All 2-by-1 format call signs have been assigned in the 4th, 5th and 6th radio districts. 2-by-2 format call signs from the AA-AL prefix block now being assigned to Extra Class amateurs. ** = All Group "A" (2-by-1) format call signs have been assigned in Hawaii, Alaska and Puerto Rico. Group "B" (2-by-2) format call signs are assigned to Extra Class amateurs when Group "A" run out. (New "NP2" Group "A" prefix block being assigned to Extra Class amateurs in the Virgin Islands.)

Source: FCC, Gettysburg, Pennsylvania

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DECEMBER VE PROGRAM STATISTICS

December	1986	1987	1988
No. VEC's	*76	*59	*62
Testing Sessions	368	445	529
VEC	1986	1987	1988
ARRL	43.8%	40.5%	35.5%
W5YI	26.8	27.6	39.1
CAVEC	6.3	4.1	5.1
DeVry	6.3	6.7	4.2
Others	16.8	21.1	16.0
Year-to-Date Sess:	3784	4378	4903
Elements Administ.	5028	8494	8350
VEC	1986	1987	1988
ARRL	55.4%	49.9%	46.8%
W5YI	20.4	20.3	31.5
CAVEC	5.8	5.9	4.9
DeVry	4.3	2.7	4.4
Others	14.5	21.2	12.4
Year-to-Date Elem.	61921	81042	89788
Applicants Tested	3386	4837	4831
VEC	1986	1987	1988
ARRL	58.6%	52.1%	47.1%
W5YI	20.2	20.8	31.1
CAVEC	5.3	5.5	4.3
DeVry	4.6	3.1	5.0
Others	11.3	18.5	12.5
Year-to-Date Tested	42422	49728	53546
December	1986	1987	1988
Pass Rate - All	58.5%	61.2%	60.5%
Pass Rate - W5YI	65.4%	56.7%	58.2%
Applicants/Session	9.2	10.9	9.1
Appl./Session W5YI	11.4	7.4	8.3
Elements/Applicant	1.5	1.8	1.7
Sessions Per VEC	4.8	7.5	8.5
Administrative Errors by VE's/VEC's			
December	1986	1987	1988
Defect. Applications	0.47%	0.33%	0.75%
Late Filed Sessions	1.09%	1.80%	1.32%
Defective Reports	2.45%	0.45%	1.32%

*Note:

The FCC Considers ARRL, W5YI and DeVry to be 13 VEC's each since VEC's are appointed on a regional basis. The 13 regions are: Call Sign districts 1 through 0 plus Alaska (11), Caribbean (12) and Pacific Insular areas (13).

Source: Pers.Rad.Branch/FCC; Washington, D.C.

ELECTRONIC INDUSTRY ON RFI RULES

The Consumer Electronics Group of the Electronic Industries Association (EIA/CEG) did not file opening round comments on the "Reorganization and Deregulation of Part 97 of the Rules Governing the Amateur Radio Service." They sure had plenty to say in their response to the initial pleadings, however ...all on one subject. Radio frequency interference.

It is ironic that the shortest section in the new proposed Amateur Rules is drawing the most controversy and response. It is only one sentence - eleven words - long. It simply reads: "The FCC may restrict operations as necessary to prevent harmful interference." That's it! Period.

Basically EIA asks the FCC (with limited staff/budget) to keep struggling to fix RFI complaints on an ad-hoc basis. In any event, EIA/CEG wants no part of any additional RFI/shielding/public information requirements assessed against manufacturers of consumer electronic products. Make no mistake about it. The EIA is a very powerful (which translates to very able, well-funded and well-connected) representative of the multi-billion dollar U.S. electronics marketing industry.

They lead off with: "We wish only to respond to those parties which made statements about consumer electronics products. Such statements are both uninformed and misdirected." EIA says the proposed new Section §97.221 will not lead to abuses of amateur radio operators' privileges.

The League in their comments called the new §97.221 "the most severe and inappropriate" of the Commission's proposals and mentioned that the "Commission's staunch, but misplaced, reliance on the marketplace to address this issue is becoming more and more untenable" On that basis, ARRL had demanded the Commission modify proposed §97.221 to permit amateur operations only be curtailed when interference is caused to "receivers of good engineering design, including adequate selectivity characteristics." The Electronics Industry Association very strongly opposed this proposal.

"EIA opposes any regulations that implicitly requires a determination concerning what constitutes good engineering design and adequate selectivity characteristics. Nor should any such standards be considered for adoption by the Commission.

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Rather, the Commission should 'stay the course' by continuing its present approach as regards both amateur radio operators and consumer electronic manufacturers."

EIA maintains that the current §97.131(b) already gives the FCC "broad authority" to do whatever is necessary to minimize interference. "Proposed §97.221 merely recasts this existing authority and makes it explicit that only *harmful interference* -- which is a defined term under the Commission's Rules -- is a basis for restricting amateur radio operations. The proposed language is, if anything, less susceptible to misinterpretation and/or abuse than are the existing rules, and no one has presented evidence that the Commission has abused the authority it already has."

The EIA feels that the FCC has taken the proper approach "...maintaining a watchful eye, addressing specific interference complaints as they arise, and encouraging industry to take steps to reduce the likelihood of interference." While the EIA says its members "have shouldered their responsibilities, willingly and without complaint", the Commission does not appear to have the necessary funding to address all RFI complaints. Many ham operators feel that the new §97.221 lets manufacturers *off the hook* and allows the FCC to take the easy way out - that being to assign quiet hours more readily.

The EIA also appears to redefine RFI as a *lack of skill* on the part of the ham operator rather than an electromagnetic compatibility problem that should be dealt with in design and manufacture. "...a few [Novices] may never acquire the basic skills necessary to avoid interfering with their neighbors' reception of broadcast signals," they comment!

Another interesting statement: "...an amateur operating in the 10 meter band and complying with the harmonic suppression requirements of §Part 97 may still cause interference with reception of TV Channel 2 because of second harmonic characteristics. This does not necessarily mean that the Part 97 rules need to be changed or that the receiver needs to be redesigned; what is needed is cooperation between the amateur radio operator and his or her neighbors."

EIA said that comments from the QCWA and others regarding interference to amateur radio

equipment from consumer electronics products "are irrelevant to this proceeding." EIA believes that the present §Part 15 (not 97) Rules "...supplemented by sound engineering practices as practiced by consumer electronics manufacturers, provide adequate assurance against harmful interference to authorized radio communications, including amateur radio communications. Indeed, the Commission's rules already require that use of any §Part 15 device be terminated if it causes harmful interference." [Ever try telling your neighbor to stop using their consumer electronic device?]

ARRL ON THE §PART 97.221 COMMENTS

The ARRL's reply comments on the §Part 97 rewrite arrived at the FCC on the same day (January 31st) as those of the *Electronic Industries Association*. They also contained some very strong statements about RFI handling. "It is the League's intention to utilize all resources available to protect the Amateur Service from inappropriate Commission restrictions in RFI matters," they warn.

The League asserts that the *Communications Amendments Act of 1982, Public Law 97-259*, includes a statement of Congressional intent that the FCC should exercise its authority to the extent necessary to significantly reduce the number of interference complaints.

"Since that time:

- (1.) ...interference complaints have not been significantly reduced;
- (2.) ...the Commission has repeated its intention to rely on voluntary industry efforts to reduce interference;
- (3.) ...efforts to implement even the least restrictive application of the legislation, inclusion of interference resolution information in the packaging of home electronic equipment have been rebuffed;
- (4.) ...the *Field Operations Bureau* has commenced a program of imposition of arbitrary operating restrictions on amateurs in excess of those permitted by the rules ...without a hearing [as] required by [the] *Communications Act*, without a field investigation and without any finding of technical fault;
- (5.) ...the Commission has under active consideration the authorization of §Part 15 home electronic devices which operate on frequencies allocated to the *Amateur Radio Service* and which will operate in the same geographic locations;
- (6.) ...no cost/benefit analysis has ever been

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conducted, as per the stated expectation of Congress, in order to ascertain 'acceptable' levels of interference susceptibility of home electronic equipment;

(7.) ...notwithstanding findings of no technical fault of the amateur station in certain cases, the sole burden of interference resolution has been imposed on individual amateurs by Commission field offices as a condition of lifting unlawfully-imposed operating restrictions."

The League said the "...Amateur Radio Service is unwilling to accept the burden of the continuation of these policies, much less the codification of Commission authority to impose them without any procedural protection at all. ...it is untenable that the Commission could defeat due process procedural rights, accorded licensees by statute, merely by enactment of administrative regulations."

"The League has offered a substitute which is sufficient to address interference problems, and even permits the Commission to require the assistance of the amateur in interference resolution. It does not, however, permit summary imposition of operating restrictions on the amateur without due process of law."

ARRL also opposed to any expansion of the rules governing the use of amateur radio for news gathering purposes. "The arguments raised by the broadcast interests in this proceeding are not consistent with the protection of the Amateur Radio Service from commercial exploitation," ARRL argues.

David B. Popkin, W2CC, of Englewood, N.J. filed a request (received January 26th by the FCC) for additional time to file replies on the §Part 97 rewrite. "The original Docket allowed a period of 230 days for comments ...and only a period of 63 days for reply comments."

Popkin maintains the ARRL's complete §Part 96 rewrite of the already rewritten §Part 97 rules "will require more than the 63 days for evaluation." He requests a Reply Comment period extension to July 17, 1989. In lieu of an extension, Popkin wants the FCC to issue a *Second Notice of Proposed Rule Making* to allow for additional comment on the ARRL proposals.

(Reply Comments filed in PR Docket 88-139, §Part 97 Rewrite of Amateur Radio Service Rules.)

CANADA REVIEWING VHF/UHF SPECTRUM

The Canadian government is taking a hard look at Amateur Radio Service usage between 30 and 890 MHz. Their amateurs are up in arms over 220-225 MHz ham band rumors! **Bill Wilson, VE3NR**, Chairman of the DOC (Canadian Department of Communications - now called Communications Canada) reports that the Ontario Ministry of Government Services would like to see the entire 220-MHz ham band withdrawn from the Amateur Service and used for "government use including provincial governments and municipal safety service organizations."

Golden West Broadcasting, Manitoba, would like the 220-MHz ham band available for stereo and monaural point-to-point and remote pickup of on-the-spot news. *Lapp-Hancock*, Ottawa, says it should be used for personal/business radio. The *Electrical and Electronics Manufacturers Association* noting the reallocation of 220-222 MHz in the U.S. suggest that the "Department should consider joint implementation..."

Radio Atlantic, CKCL, Truro, Nova Scotia, noted that the 220-225 MHz band was lightly loaded and would probably remain so for the foreseeable future. "Reducing the band by 2 MHz for a Personal Service should not have a negative impact. The *Radio Advisory Board of Canada* noted the causes of slow Canadian amateur growth in this band but goes on to add, to insure North American compatibility, the DOC should note the FCC's handling of the 220-MHz band. [Is UPS up in Canada, too?]

Some 2,400 pages of comments have been submitted on the 30 - 890 MHz ham band study. A *Spectrum Utilization Policy Paper* is expected from the Canadian government during the summer. By the way, Canada has a new *Minister of Communications*. Marcel Masse replaces Flora MacDonald who was not reelected.

HAM HACKER ALLOWED TELEPHONE USE

Jailed computer hacker, **Kevin David Mitnick, N6NHG**, is now allowed to use the telephone, but only the handset portion! A prosecutor and defense attorney worked out a compromise so that Mitnick can talk to his lawyer. The compromise involves attaching a long cord from the handset to the body of the telephone containing the touch-tone buttons. Mitnick, 24, of Panorama City, CA, can

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then use the handset while sitting in one room while the touch-tone buttons which can access computers by telephone are locked in another room. Mitnick, who has been denied bail, is awaiting trial on charges of infiltrating corporate computers using illegally obtained telephoned access codes. He is due to go on trial in federal court on April 4th.

• An eleventh hour appeal from Bart Jahnke, Repeater Directory Editor for the ARRL to the *SouthEastern Repeater Association, Inc.* (SERA) Board of Directors was too late. The Board voted unanimously not to release their copyrighted repeater database to the League for the *1989 Repeater Directory*. The decision by the Board was a result of an ongoing dispute between SERA and the League concerning Repeater Directory listings and recognition of Frequency Coordinators. While the coordination dispute in question apparently involves only the Kansas City area, the ARRL (according to SERA) expanded the disputed area to include the entire states of Kansas and Missouri. The ARRL will therefore not list any coordinated repeaters for that area. SERA responded by withdrawing all of its listings covering hundreds coordinated repeaters in a multi-state area from ARRL Repeater Directory use.

• The fifth in a series of *free balloon launches* by **Bill Brown, WB8ELK**, this time carried a small black and white Sony video camera as part of its five pound payload along with the color Elktronics video identifier. Launched January 21st in the Mojave desert community of Hesperia, CA, video was seen over 300 miles away by KD7HH, KS7J and WV7K in Phoenix, AZ. Live video of the Southern California desert area, and curvature of the earth at the edge of space was seen as the balloon rose to its peak height of just over 100,000 feet. The balloon burst when it enlarged to a diameter of 33 feet sending the payload plummeting back to earth. It was spotted by **Rick, N6UEM** flying with **Tom O'Hara, W6ORG** in an Enstrom helicopter on the desert floor. They were guided to the spot by beam headings from the still transmitting payload. Bill is now considering making his next balloon flight a full ATV repeater.

• The *Rose Parade ATV video* on Galaxy 2 transponder 5 was also a success. **Phil WB6LQP** has received dozens of notes from ATVers all over the USA and Canada who either taped or retransmitted it live through their local ATV repeater or simplex. The first 15 minutes contained a tape of the

background of setting up the ATV system for the event. They even got actor Michael Landon to do the intro! The *Amateur Television Network*, or ATN as they call themselves, rivaled the networks with a total of seventeen cameras including two on motorcycles ...and one in a helicopter! A two-hour VHS video tape of the satellite feed is available through *ATVQ Magazine* (1545 Lee St., Suite #73, Des Plaines, IL 60018) at a small cost.

• Now forming is the *Little Big Horn Amateur Radio Organization* (LBH), a group of American Indian amateur radio operators and hams of other ethnic backgrounds who are banding together to build bridges of understanding, friendship and respect via amateur radio. Although not limited to Native Americans, LBH currently includes members from many different Indian tribes. They meet each Sunday on CW on 14.057 MHz at 2200 UTC and 21.150 MHz at 2230 UTC. Listen for "CQ LBH."

HAM LICENSES REVOKED ...SUSPENDED! FCC Acts Against VE Exam Irregularities

The Commission has sent a message to the Amateur community stating that it intends to abide by Section 97.33 which provides penalties for improper volunteer testing of applicants for Amateur Radio Service licenses. On January 24th, the FCC revoked or suspended the Amateur Radio station and operator licenses of nine ham operators in Puerto Rico for participating in a scheme to obtain amateur radio licenses by fraudulent means. Two others, **Ramon/NP4ZN** and **Margie/WP4GAW Vizcarrondo**, responded to the charges by submitting their amateur licenses for cancellation.

The proceeding resulted from an investigation carried by William C. Berry, Engineer-in-Charge of the Comimssion's San Juan, Puerto Rico, field office. Mr. Berry had received numerous complaints about irregularities in the administration of amateur operator examinations by volunteer examiners (VE's) in Puerto Rico.

His investigation focused on the activities of **Ramon R. Santos Vazquez/KP4KB**, **Richard Zambrana/KP4IN**, **Carlos M. Colon/WP4U**, **Elie J. Rivera DeJesus/KP4KB**, **Nomar Vizcarrondo/NP4H**, and **Joaquin Hernandez/NP4E**, ...Extra Class level VE's authorized to administer amateur license examinations by the W5YI Volunteer Examiner Coordinator (VEC) program. These six were involved in three questionable W5YI-VEC

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examination sessions in Guaynabo, Puerto Rico, on August 14, 16 and October 4, 1986.

Iris Lopez/NP4ZM, Belinda/WP4FOG & Iris/WP4FOF Rivera and Ramon/NP4ZN & Margie/WP4GAW Vizcarrondo are alleged to have received amateur licenses that they were not qualified for. During his investigation, Berry interviewed all six VE's involved in this proceeding. FCC findings are primarily based on information provided by Santos Vasquez, Zambrana and Colon.

Ramon and Margie Vizcarrondo are the parents of VE Nomar Vizcarrondo. Ellie J. Rivera DeJesus and Iris C. Lopez are husband and wife; Belinda and Iris Y. Rivera are their daughters aged 9 and 12.

Santos Vazquez, Zambrana and Colon admitted wrongdoing and implicated the eight others accused of participating in fraudulent amateur radio operator examinations. Five of those eight have denied any wrongdoing. The remaining three did not submit any written statements.

The FCC said the credibility of the admissions made by Santos Vasquez, Zambrana and Colon were consistent with complaints received by the Commission. Ellie J. Rivera DeJesus/KP4KB claims that many of the complaints about examination irregularities were motivated by complainants' desire to enhance their chances of election to positions in the Puerto Rico Amateur Radio Club by making accusations against the incumbents. The FCC ruled that this claim was mere speculation -- totally unsupported -- and even, if true, would not disprove the admissions of Santos Vasquez, Zambrana and Colon.

Rivera DeJesus argued that Santos Vasquez as "VE in charge of the session" had sole responsibility for the integrity of an examination session. The FCC ruled "This view is incorrect. The Commission does not recognize such a distinction between VE's. All administering VE's are equally responsible for the integrity of each examination session." Rivera DeJesus also argued he is a victim of "double jeopardy" because he has already suffered from adverse publicity from stories in amateur publications about this proceeding. "This argument has no merit," the FCC said. "Double jeopardy is a concept which applies only in criminal proceedings. It is a second prosecution after a first trial for the same offense. A revocation proceeding is

not a criminal prosecution."

The Commission concluded that all accused were guilty of obtaining -- or assisting others to obtain -- amateur licenses by fraudulent means ...and that many misrepresented material facts to the Commission.

The FCC noted that "The violative conduct of Santos Vazquez, Zambrana and Colon is mitigated by the exemplary cooperation ...both before and during this proceeding. Their cooperation greatly assisted the Commission in the preparation of its case." In view of their assistance, the Commission said they would not revoke their amateur licenses. "Nevertheless their substantial violations still call for a substantial penalty. Accordingly, their amateur operator licenses will be suspended for a period of six months."

Belinda and Iris Y. Rivera were 9 and 12 years old at the time of the fraudulent examinations. "In view of their youth, ...we do not intend the outcome of this proceeding to prevent them from obtaining amateur service licenses in the future if they pass the required examinations. We would view favorably requests for waiver of ...the Rules, which requires a twelve month waiting period following license revocation before a new application will be considered. Nor would we consider this proceeding a bar to waiver of Section §97.31(c) which provides that the Commission will not accept the services of any person seeking to be a volunteer examiner if that person's amateur radio station license or amateur radio operator's license has ever been revoked or suspended."

The FCC revoked the amateur station licenses and suspended the amateur operator licenses for the remainder of their terms of:

Nomar Vizcarrondo, NP4H; Ellie J. Rivera DeJesus, KP4KB, Belinda Rivera, WP4FOG; Iris Y. Rivera, WP4FOF; Iris C. Lopez, NP4ZM and Joaquin Hernandez, NP4E.

Six month amateur operator license suspensions were handed out to: **Carlos M. Colon, WP4U; Ramon R. Santos Vazquez, KP4FW and Richard Zambrana, KP4IN.** As mentioned before, **Ramon/NP4ZN and Margie/WP4GAW Vizcarrondo** surrendered their amateur licenses for cancellation, "This rendered the proceeding moot as to them."

(Order of Revocation & Affirmation released 2/3/89.)